



JON S. CORZINE  
GOVERNOR

STATE OF NEW JERSEY  
DEPARTMENT OF PERSONNEL

ROLANDO TORRES, JR.  
COMMISSIONER

**Merit System Board**

**AGENDA OF REGULAR MEETING OF  
THE MERIT SYSTEM BOARD  
OCTOBER 4, 2006**

**Rolando Torres, Jr., Chairman  
Flavella Branham  
John Currie  
Margaret E. L. Howard  
Robert Long**

**SECTION A – HEARING MATTERS**

**A-1 SETTLEMENTS**

In the Matter of Davone Abrams  
County of Passaic  
Preakness Hospital  
Suspension

In the Matter of John Anstiss  
City of Newark  
Department of Engineering  
Suspension

In the Matter of Joann Baker  
Judiciary, Hudson Vicinage  
Suspension

In the Matter of Leon Cooper  
Garden State Youth Correctional Facility  
Department of Corrections  
Suspension

In the Matter of Wojciech Czajkowski  
Department of Transportation  
Removal

In the Matter of Anthony Giaconnia  
City of Passaic  
Police Department  
Suspension

In the Matter of Harvey D. Haws  
New Lisbon Developmental Center  
Department of Human Services  
Removal

In the Matter of Timothy Maynor  
Department of Treasury  
Removal

In the Matter of Timothy Moots  
Township of Teaneck  
Fire Department  
Suspension

In the Matter of Shawn Toffoli  
City of Wildwood  
Department of Law and Public Safety  
Suspension

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE  
ABOVE CASES – SETTLEMENT**

**ACTION:**

**A-2 KIMBERLY AUSBY**

Kimberly Ausby, Police Officer, City of East Orange, Police Department, release at the end of the working test period effective May 28, 2003.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test period.

**ACTION:**

**A-3 TRACY L. EDISON**

Tracy L. Edison, Cottage Training Technician, New Lisbon Developmental Center, Department of Human Services, 10-day suspension on charges of leaving an assigned work area without permission, creating a danger to persons and insubordination.

Recommendation of the Administrative Law Judge – Uphold the 10-day suspension.

**ACTION:**

**A-4 BRIAN BETHEA**

Brian Bethea, Senior Medical Security Officer, Ann Klein Forensic Center, Department of Human Services, removal effective February 16, 2005 on the charge of physical abuse of a patient.

Recommendation of the Administrative Law Judge – Uphold the removal.

**ACTION:**

**A-5 RAHMAN LOVE**

Rahman Love, Police Officer, Township of Irvington, Police Department, three removals effective December 3, 2003, on charges of inability to perform duties and other sufficient cause.

Recommendation of the Administrative Law Judge – Grant motion for Summary Decision and uphold the removals.

**ACTION:**

**A-6 ANA MARTINEZ**

Ana Martinez, Clerk, Bilingual in Spanish and English, County of Camden, Department of the County Clerk, removal effective May 9, 2005, on charges of chronic or excessive absenteeism or lateness and insubordination.

Recommendation of the Administrative Law Judge – Modify the removal to a resignation in good standing.

**ACTION:**

**A-7 CARL NATTER**

Carl Natter, Employee Relations Coordinator, New Jersey Veterans' Memorial Home at Menlo Park, Department of Military and Veterans Affairs, removal on charges of insubordination, creating a disturbance on State property, threatening, intimidating a fellow employee on State property, violation of a policy and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

**ACTION:**

**A-8 VIVIAN RAY**

Vivian Ray, Practical Nurse, New Lisbon Developmental Center, Department of Human Services, removal effective August 11, 2004, on charges of mental abuse and verbal abuse of a patient, client, or resident.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

**ACTION:**

**A-9 RONALD ROMINE**

Ronald Romine, Senior Correction Officer, Garden State Youth Correctional Facility, Department of Corrections, removal effective July 22, 2004, on charges of conduct unbecoming a public employee, and violation of a rule, regulation, policy procedure, order or administrative decision regarding use, possession, or sale of any controlled dangerous substance.

Recommendation of the Administrative Law Judge - Uphold the removal.

**ACTION:**

**A-10 FRANCIS SALENSKY**

Francis Salensky, Senior Parole Officer, New Jersey State Parole Board, removal effective April 14, 2005, on charges of conduct unbecoming a public employee, intentional abuse or misuse of authority or position and violation of a rule, regulation, policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Modify the removal to a 20-day suspension.

**ACTION:**

**A-11 MORRIS SCHALL**

Morris Schall, Assistant Social Case Worker Supervisor, City of Trenton, Department of Health and Human Services, removal effective October 15, 2004, on the charge of failure to comply with a residency ordinance.

Recommendation of the Administrative Law Judge - Uphold the removal.

**ACTION:**

**SECTION B – MISCELLANEOUS MATTERS**

**B-1 TYNE Y. EDWARDS**

Tyne E. Edwards appeals her rejection as a Police Officer by East Orange and its request to remove her name from the eligible list for Police Officer (S9999F) on the basis of medical unfitness to perform effectively the duties of the position.

**ACTION:**

**B-2 ROBERT A. LOPEZ**

Robert A. Lopez appeals his rejection as a Police Officer by the City of Passaic and its request to remove his name from the eligible list for Police Officer (S9999F) on the basis of medical unfitness to perform effectively the duties of the position.

**ACTION:**

**B-3 FRANK LORENZO**

Frank Lorenzo, represented by Oswin E. Hadley, Esq., appeals his rejection as a Police Officer by the City of Jersey City and its request to remove his name from the eligible list for Police Officer (S9999B) on the basis of medical unfitness to perform effectively the duties of the position.

**ACTION:**

**B-4 PAUL BRADLEY**

Paul Bradley appeals the removal of his name from the (S9999F) eligible list for the title of County Correction Officer, County of Monmouth on the basis of psychological unfitness.

**ACTION:**

**B-5 MICHAEL A. RICCI**

Michael A. Ricci appeals the removal of his name from the (S9999F) eligible list for the title of County Correction Officer, County of Monmouth on the basis of psychological unfitness.

**ACTION:**

**B-6 PHILIP TURZANI, JR.**

Philip Turzani, Jr., appeals the removal of his name from the (S9999F) eligible list for the title of Police Officer, City of Newark on the basis of psychological unfitness.

**ACTION:**

**B-7 JOHN J. CHIARI**

John J. Chiari, a Senior Correction Officer with South Woods State Prison, Department of Corrections, represented by Justin M. Murphy, Esq., appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-8 KENNETH DAVALL**

Kenneth Davall, a Senior Correction Officer with Northern State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-9 JANET MULLINS**

Janet Mullins, an Administrative Specialist 3 with the Judiciary, Vicinage 2, Bergen County, represented by Craig C. Swenson, Esq., appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-10 JUAN ALERS**

Juan Alers appeals the removal of his name from the open competitive list for Parole Officer Recruit (Bilingual in Spanish and English) (S2036E), State Parole Board on the basis that he lacked sufficient skills in bilingual communications.

**ACTION:**

**B-11 RALPH ASPLEN AND EDWARD REARDON**

Ralph Asplen and Edward Reardon, represented by Scott I. Fegley, Esq., appeal the bypass of their names on the Hazardous Site Mitigation Specialist 1 (PS4887G) eligible list.

**ACTION:**

**B-12 JAMES W. BEADLING, JR.**

James W. Beadling, Jr., represented by Philip N. Muldoon, Jr., Esq., appeals the request of the City of Camden to remove his name from the eligible list for Police Officer (S9997W), City of Camden, on the basis of his failure to meet the residency requirement.

**ACTION:**

**B-13 ARTHUR DANDO, III**

Arthur Dando, III, represented by Jeffrey D. Catrambone, Esq., appeals the determination of the Division of Human Resource Information Services upholding the bypass of his name on the eligible list for Police Sergeant (PM2608E), Woodbridge Township.

**ACTION:**



**B-14 JOHN SULLIVAN**

John Sullivan appeals the removal of his name from the eligible list for Police Sergeant, Human Services (PS1778K), Department of Human Services, on the basis of an unsatisfactory background report.

**ACTION:**

**B-15 CHARLES TERRY HOUSEL**

Charles Terry Housel, a Teacher 1 (12 months) with the Juvenile Justice Commission, Department of Law and Public Safety, appeals the determination of the Director of the Office of Workplace Policy Administration and Enforcement (OWPAE) which indicated that appropriate action had been taken to address a complaint under the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace after an incident involving the appellant. This matter was held over from the September 20, 2006 Merit System Board meeting.

**ACTION:**

**B-16 ALAN BRUNDAGE, ET AL.**

Bergen County petitions the Merit System Board for retroactive permanent appointment dates as County Police Sergeants for Alan Brundage, Richard Cleri, Michael Devine, Stephen Malone, James Mullin, and Richard Vander Clute.

**ACTION:**

**B-17 KATHRYN MITCHELL**

Kathryn Mitchell, an Investigator, Public Defender with the Office of the Public Defender, requests a retroactive date of appointment.

**ACTION:**

**B-18 JAMES WATT**

James Watt, an Environmental Engineer Trainee with the Department of Environmental Protection, petitions the Merit System Board for a title code and salary adjustment.

**ACTION:**

**B-19 ENVIRONMENTAL HEALTH SPECIALIST, PASSAIC COUNTY  
(C6091E AND C6421G)**

Passaic County requests reconsideration of the decision rendered on May 10, 2006 by the Merit System Board in *In the Matter of Environmental Health Specialist, (C6091E and C6421G), Passaic County*, which ordered it to immediately remove the provisional and to properly dispose of the certification.

**ACTION:****B-20 LILLIAN FOSTER**

Lillian Foster request reconsideration of the final decision of the Merit System Board rendered on April 26, 2006, which upheld the bypass of her name on the eligible list for Principal Clerk Typist (S7164F), Department of Human Services.

**ACTION:****B-21 LILLIAN FOSTER**

Lillian Foster requests reconsideration of the final decision of the Merit System Board rendered on April 5, 2006, which upheld the bypass of her name on the eligible list for Judiciary Clerk 3 (S7159F), Judiciary, Vicinage 13, Somerset, Hunterdon, and Warren Counties.

**ACTION:****B-22 DANIEL LOBUE**

Daniel LoBue, represented by Bruce D. Leder, Esq., requests reconsideration of the final administrative determination in *In the Matter of Daniel LoBue, Police Captain (PM3549F), City of Hoboken* (MSB, decided February 9, 2005). This matter was held over from the Board's meetings on March 8, 2006 and March 22, 2006.

**ACTION:**

**B-23 REGAN LORE**

South Woods State Prison, Department of Corrections, represented by Kathleen Asher, DAG, petitions the Merit System Board (Board) for reconsideration of the decision rendered on May 24, 2006, which reversed the removal of Regan Lore, a Senior Correction Officer. Regan Lore, represented by Robert C. Wolf, Esq., petitions the Board for enforcement of its May 24, 2006 decision.

**ACTION:****B-24 BRIAN RAZZI**

Brian Razzi requests reconsideration of the final administrative determination in *In the Matter of Walter Koegel, et al., Police Sergeant* (MSB, decided November 22, 2005).

**ACTION:****B-25 SOCIAL WORKER JUVENILE REHABILITATION, PASSAIC COUNTY (C0768F)**

Passaic County requests reconsideration of the decision rendered on May 10, 2006 by the Merit System Board in *In the Matter of Social Worker Juvenile Rehabilitation, (C0768F), Passaic County*, which ordered it to immediately remove the provisional and to properly dispose of the certification.

**ACTION:****B-26 WILLIAM GREENE**

The appeal of William Greene, a Human Services Assistant with the New Lisbon Developmental Center, Department of Human Services, of his removal effective November 8, 2004, on charges, was heard by Administrative Law Judge Israel D. Dubin (ALJ), who rendered his initial decision on April 24, 2006. At its meeting on September 20, 2006, the Merit System Board (Board) adopted the ALJ's recommendation to reverse the removal. The proposed decision is now submitted for the Board's review.

**ACTION:**

**B-27 SANDRA WILLIAMS**

The appeal of Sandra Williams, a Correction Officer Recruit with Northern State Prison, Department of Corrections, of her removal effective October 4, 2004, on charges, was heard by Administrative Law Judge Barry N. Frank (ALJ), who rendered his initial decision on July 20, 2006. At its meeting on September 20, 2006, the Merit System Board (Board) did not adopt the ALJ's recommendation to reverse the removal. Rather, the Board upheld the charges and the removal. The proposed final decision is now submitted for the Board's review.

**ACTION:****B-28 HOLLY S. ALAI**

Holly S. Alai appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Affirmative Action Specialist (PC0317H), Middlesex County.

**ACTION:****B-29 LUHATTANY CABA, ET AL.**

Luhattany Caba, Kieana Childs-Alexander, Suzanne Maffei, Avani Mehta and Antonio Santos appeal the determinations of the Division of Selection Services which found that they did not meet the education and experience requirements for the Technical Assistant, Personnel (S0441G), Statewide open competitive examination.

**ACTION:****B-30 DAVID COLES**

David Coles appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Sign Maker 2 (PS7604J) Rowan University.

**ACTION:**

**B-31 WILLIAM CONNOLLY**

William Connolly appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Assistant Municipal Tax Collector (PM0700G), Town of Kearny.

**ACTION:**

**B-32 JEFFREY A. COURTNEY AND BRODERICK FLEMING**

Jeffrey A. Courtney and Broderick Fleming, represented by Charles E. Schlager, Jr., Esq., appeal the determinations of the Division of Selection Services that they did not meet the eligibility requirement for the promotional examination for Battalion Fire Chief (PM3598G), City of Plainfield.

**ACTION:**

**B-33 BRENDA L. GARCIA**

Brenda L. Garcia appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Senior Clerk Typist (PS9818P), Juvenile Justice Commission, Department of Law and Public Safety.

**ACTION:**

**B-34 MARYANN GIFFORD**

Maryann Gifford appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Secretarial Assistant 3 (Non-Stenographic) (PS7603J), Rowan University.

**ACTION:**

**B-35 PATRICIA HUGHES**

Patricia Hughes appeals the determination of the Division of Selection Services that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Records Analyst 3 (PC0074H), Cumberland County.

**ACTION:**

**B-36 BENJAMIN SAMSELSKI**

Benjamin Samselski appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the open competitive examination for Human Services Specialist 1 (C1108G), Cape May County.

**ACTION:**

**B-37 FRANCES SARDONI**

Frances Sardoni appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the open competitive examination for Supervisor of Volunteers (S6843G).

**ACTION:**

**B-38 FREDERICK SOUTHERLAND AND CARLTON FOWLER**

Frederick Southerland (PM2585H), Irvington, represented by Timothy R. Smith, Esq.; and Carlton Fowler (PM2605H), Pennsauken; appeal the determination of the Division of Selection Services which found them ineligible for the promotional examination for Police Sergeant (various jurisdictions) due to untimely applications.

**ACTION:**

**B-39 NICOLE ZIMMERMAN**

Nicole Zimmerman appeals the decision of the Division of Selection Services that found that she was below the minimum requirements in experience for the promotional examination for Administrative Analyst 4 (PS7782D), Department of Community Affairs.

**ACTION:**

**B-40 DONALD COUGHLAN**

Donald Coughlan appeals his score on the oral portion of the examination for Director of Custody Operations 1 (PS3874I), Department of Corrections.

**ACTION:**

**B-41 JOHN DE GIOVANNI**

John De Giovanni appeals his score for the oral portion of the examination for the first level Fire Captain (PM3595F), Kearny.

**ACTION:**

**B-42 HARRY FEARON**

Harry Fearon appeals his score for the oral portion of the examination for the first level Fire Captain (PM3595F), Kearny.

**ACTION:**

**B-43 BRUCE KAUFFMANN**

Bruce Kauffmann appeals his score for the oral portion of the examination for the first level Fire Captain (PM3595F), Kearny.

**ACTION:**

**B-44 JOSEPH MASTANDREA**

Joseph Mastandrea appeals his score for the oral portion of the examination for the first level Fire Captain (PM3595F), Kearny.

**ACTION:**

**B-45 GERARD NARDONE**

Gerard Nardone appeals his score for the oral portion of the examination for the first level Fire Captain (PM3595F), Kearny.

**ACTION:**

**B-46 MICHAEL RICHARDSON**

Michael Richardson appeals his score for the oral portion of the examination for the first level Fire Captain (PM3595F), Kearny.

**ACTION:**

**B-47 THOMAS FLYNN, JR.**

Thomas Flynn, Jr. appeals his score for the oral portion of the examination for the first level Fire Lieutenant (PM2640F), Ventnor City.

**ACTION:**

**B-48 BRADY MIDDLESWORTH**

Brady Middlesworth appeals his score for the oral portion of the examination for the first level Fire Lieutenant (PM2640F), Ventnor City.

**ACTION:**

**B-49 GREGORY REED AND SCOTT MACFIE**

Gregory Reed, represented by James P. Madden, Esq., and Scott MacFie appeal their scores for the written portion of the promotional examination for Police Captain (PM3552F), Kearny.

**ACTION:**



**B-50 THOMAS WALSH**

Thomas Walsh (PM3539F), Bloomfield appeals his score for the written portion of the promotional examination for Police Captain (PM3539F), Bloomfield.

**ACTION:**

**B-51 JOSE GALVAN**

Jose Galvan, represented by Joseph Murphy, Esq., appeals the determination of the Division of Selection Services which found him ineligible for the promotional examination for Police Sergeant (PM2604H), Paterson due to an untimely application.

**ACTION:**

**B-52 JOSEPH SHARGO**

Trenton Psychiatric Hospital, Department of Human Services, appeals the decision of the Division of Selection Services which denied its request to permit Joseph Shargo to file a late application for the Statewide open competitive examination for the title of Electrician (S0413G).

**ACTION:**

**B-53 JUJUAN JONES**

Jujuan Jones appeals the test administration of the oral portion of the examination for the first level Fire Lieutenant (PM2506F), Plainfield.

**ACTION:**

**B-54 HUMAN SERVICES SPECIALIST 1 (C0888F), COUNTY OF UNION**

The County of Union requests that the non-resident portion of the eligible list for Human Services Specialist 1 (C0888F), County of Union, be cancelled due to an incorrect residency announcement.

**ACTION:**

**B-55 ALFRED HIGGINBOTHAM**

The Borough of Clementon (Clementon) requests relaxation of N.J.A.C. 4A:4-7.1A(a) so as to permit the intergovernmental transfer of Alfred Higginbotham from the title of Police Officer, Borough of Stratford, to the title of Police Officer, Clementon.

**ACTION:****B-56 PROPOSED AMENDMENTS: N.J.A.C. 4A:1-1.3 AND 4A:2-2.4 (SUSPENSIONS ON THE RECORD)**

Submitted for the Board's adoption are proposed amendments to N.J.A.C. 4A:1-1.3 and 4A:2-2.4 (suspensions on the record). The Board proposed the amendments at its meeting on May 24, 2006. The proposal was published in the July 3, 2006 issue of the New Jersey Register. A public hearing was held on July 20, 2006. No comments were received at that time. Two written comments were received but do not necessitate any changes to the proposal.

**ACTION:****B-57 MERIT SYSTEM BOARD MINUTES**

The Merit System Board minutes of its meeting of September 20, 2006 are submitted for adoption.

**ACTION:**